

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JAIPUR BENCH, JAIPUR

ORDER

S.B. CRIMINAL MISC. IInd BAIL APPL. NO.7464/2006
Tariya V. THE STATE OF RAJASTHAN

Date of order :: January 4, 2007

PRESENT
HON'BLE MR. JUSTICE PREM SHANKER ASOPA

Mr.N.A. Naqvi, for the applicant.
Mr.H.V. Nandwana, PP for the State.
Dr.M.S. Kachhawa, for the Wild Life Trust of India.

Heard learned counsel for the applicant as well as the learned Public Prosecutor and perused the material / case diary made available to me during the arguments of the case..

This Court rejected the first bail application on 21st September, 2006 arising out of the FIR No.362/04 registered at Police Station Manak Chowk, Jaipur for the offence under Section 9, 39, 49, 51 of Wild Life Protection Act & Section 120-B IPC.

The second bail application is arising out of the same FIR with regard to the same offence.

The submission of counsel for the applicant is that the applicant was implicated in the case at the instance of Subhash Chand and Subhash Chand has been released on bail on 13.11.2006, therefore, he is also entitled for bail.

The submission of Public Prosecutor is that recovery of two Panther skins was made from the applicant, but it is correct that the same was made at the instance of Subhash Chand, who has stated that the said skins now are

in possession of the applicant. Public Prosecutor has also submitted that in the earlier bail order, the implication of the applicant has been considered at the instance of E.P. Singh, but the fact is that the said implication is at the instance of Subhash Chand, who was granted bail on 13.11.2006.

Without expressing any opinion on the aforesaid submissions on merits and demerits of the case and taking into consideration the entire facts and circumstances of the case, I am inclined to grant bail to the applicant.

It is, therefore, ordered that applicant Tariya S/o Shri Mamchand shall be released on bail, provided he furnishes a personal bond in the sum of Rs.25,000/- (Rupees Fifty Thousand only) together with two sureties in the sum of Rs.10,000/- to the satisfaction of the learned trial court for his appearance before that Court as and when called upon to do so during pendency of the trial against him arising out of FIR No.362/04 registered at Police Station Manak Chowk, Jaipur, with an undertaking not to absent from the trial court without prior permission of the said Court with a further stipulation that this order granting bail shall be liable to be cancelled, in case they fail to appear in the Court on any date without prior permission.

(PREM SHANKER ASOPA) J.

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